

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

KENNYATA GORDON,

Plaintiff,

v.

Case No. 2:24-cv-4131

Judge Edmund A. Sargus, Jr.

Magistrate Judge Elizabeth P. Deavers

CITICARDS CBNA,

Defendant.

ORDER

This matter is before the Court on Plaintiff Kennyata Gordon's Motion for Clerk's Entry of Default (ECF No. 7) and Motion for Entry of Default Judgment (ECF No. 8). Under Rule 11(a) of the Federal Rules of Civil Procedure, "[e]very pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney's name—or by a party personally if the party is unrepresented. The paper must state the signer's address, e-mail address, and telephone number." Fed. R. Civ. P. 11(a). Plaintiff's *pro se* Motion for Clerk's Entry of Default is not signed and does not include an address, e-mail address, or telephone number. (*See* ECF No. 7.) Accordingly, the Motion is not compliant with Rule 11(a). The Motion for Clerk's Entry of Default is **DENIED WITHOUT PREJUDICE**. (ECF No. 7.)

Additionally, under Rule 55 of the Federal Rules of Civil Procedure, a party must "obtain an entry of default prior to moving for default judgment." *Am. Servs. & Prot., Inc. v. Speed Com. Corp.*, No. 2:17-CV-122, 2017 WL 7520617, at *1 (S.D. Ohio June 29, 2017) (Watson, J.) (citing Fed. R. Civ. P. 55; *Heard v. Caruso*, 351 F. App'x. 1, 15 (6th Cir. 2009)). Accordingly, "[r]equesting entry of default and default judgment simultaneously is not the correct procedure." *Kennedy v. Smith*, No. 2:23-CV-13185, 2024 WL 4579639, at *3 (E.D. Mich. Oct. 25, 2024).

Because Plaintiff moved for default judgment prior to obtaining an entry of default, her Motion for Entry of Default Judgment is procedurally improper. The Motion for Entry of Default Judgment is **DENIED WITHOUT PREJUDICE**. (ECF No. 8.)

If Plaintiff intends to seek default judgment again under Rule 55(b) of the Federal Rules of Civil Procedure, Plaintiff must refer to Rule 55 and first file an application for entry of default with the clerk of court pursuant to Rule 55(a). After obtaining an entry of default, Plaintiff may then file a separate motion for default judgment under Rule 55(b).

This case remains open.

IT IS SO ORDERED.

2/18/2025
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE